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12 United States of America

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14 IN THE UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA,

CASE NO. 1:20-MJ-00089-SAB

17 Plaintiff,

18 v.
19 STIPULATION TO CONTINUE SENTENCING
20 HEARING; ORDER

21 ALBERTO SOTO, JR.,

22 DATE: May 23, 2024

23 Defendant.

24 TIME: 10:00 a.m.

25 COURT: Hon. Stanley A. Boone

26 Plaintiff United States of America, by and through its counsel of record, and Defendant Alberto
27 Soto, Jr., by and through defendant's counsel of record, submit this stipulation to continue the May 23,
28 2024 sentencing to July 26, 2024 at 10:00 am:

- 29 1. On February 15, 2024, Defendant admitted to the two charges in the probation violation
30 petition (failure to timely pay financial obligations and new law violation). Sentencing was
31 set for April 18, 2024 and was later continued to May 23 due to Mr. Soto being hospitalized
32 in April.
- 33 2. On March 28, 2024, Probation prepared a criminal history report. As that criminal history
34 report shows, Defendant sustained two DUI convictions in 2011 and 2014. Since that time,
35 his license has not been reinstated and, instead, he has been convicted of driving on a
36 suspended license four times.
- 37 3. According to a proffer by defense counsel, prior to his hospitalization, Defendant was

1 working (6 days a week doing agricultural work) and also has part time custody of his
2 daughter. Defendant desires to get his license back so he can have the ability to drive legally,
3 work, and provide transportation to himself and his family.

4 4. In the past two weeks, government counsel has been in discussions with the Tulare County
5 District Attorney's Office about a possible resolution to his state cases – in coordination with
6 this Court –that might put him on a more direct path to getting his license back. Defendant's
7 next date in Tulare County Superior Court is June 10, 2024.

8 5. The parties anticipate that they would be in a position to propose a global resolution to
9 Defendant's cases prior to June 10, 2024, and may need additional time for research and
10 investigation before the Defendant's sentencing hearing in this Court. Thus, the parties
11 stipulate and request that the Court continue the sentencing date in this matter from May 23,
12 2024 to July 26, 2024.

13 6. The parties agree that a continuance is in the interest of justice and, pursuant to 18 U.S.C.
14 § 3565(c), is reasonably necessary for the adjudication of his probation violation.

15 Dated: May 21, 2024

PHILLIP A. TALBERT
United States Attorney

17 /s/ JEFFREY A. SPIVAK
18 JEFFREY A. SPIVAK
Assistant United States Attorney

20 Dated: May 21, 2024

HEATHER E. WILLIAMS
Federal Defender

21 /s/ Laura Myers
22 Laura Myers
23 Assistant Federal Defender
Counsel for Defendant

ORDER

The sentencing hearing in this matter is continued from May 23, 2024 to July 26, 2024 at 10:00 am. No further continuances will be entertained. The matter is also referred to probation for an updated criminal history report. The defendant is ordered to personally appear.

IT IS SO ORDERED.

Dated: May 22, 2024



UNITED STATES MAGISTRATE JUDGE